

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

STEVEN ROBERT ANGELONIS,

Plaintiff,

v.

CAROLYN W COLVIN, Acting
Commissioner of the Social Security
Administration,

Defendant.

CASE NO. 14-cv-05863 JRC

ORDER GRANTING MOTION FOR
ATTORNEY'S FEES PURSUANT
TO 42 U.S.C. § 406(b)

This Court has jurisdiction pursuant to 28 U.S.C. § 636(c), Fed. R. Civ. P. 73 and Local Magistrate Judge Rule MJR 13 (*see also* Notice of Initial Assignment to a U.S. Magistrate Judge and Consent Form, Dkt. 5; Consent to Proceed Before a United States Magistrate Judge, Dkt. 6). This matter is before the Court on plaintiff's Unopposed Motion for Attorney's Fees Pursuant to 42 U.S.C. § 406(b) (*see* Dkt. 27).

The Court may allow a reasonable fee for an attorney who represented a Social Security Title II claimant before the Court and obtained a favorable judgment, as long as such fee is not in

1 excess of 25 percent of the total of past-due benefits. *See* 42 U.S.C. § 406(b)(1); *Grisbrecht v.*
2 *Barnhart*, 535 U.S. 789 (2002). When a contingency agreement applies, the Court will look first
3 to such agreement and will conduct an independent review to assure the reasonableness of the
4 fee requested, taking into consideration the character of the representation and results achieved.
5 *See Grisbrecht, supra*, 535 U.S. at 807, 808 (footnote omitted) (citations omitted). Although the
6 fee agreement is the primary means for determining the fee, the Court will adjust the fee
7 downward if substandard representation was provided, if the attorney caused excessive delay, or
8 if a windfall would result from the requested fee. *See Crawford v. Astrue*, 586 F.3d 1142, 1151
9 (9th Cir. 2009) (*citing Grisbrecht, supra*, 535 U.S. at 808).

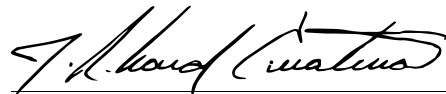
10 Here, the representation was standard, at least, and the results achieved excellent (*see*
11 Dkt. 27, p. 1, fn. 1). *See Grisbrecht, supra*, 535 U.S. at 808. This Court remanded the case for
12 further proceedings (Dkt. 23). Following a hearing, the Administrative Law Judge issued a fully
13 favorable decision (*see* Dkt. 27, p. 2). There has not been excessive delay and no windfall will
14 result from the requested fee.

15 Plaintiff's total back payment was \$33,018 (*see* Dkt. 27, p. 2, fn. 1). Plaintiff has moved
16 for a net attorney's fee of \$2,115.56 (*see* Motion, Dkt. 27, p. 1), and the Court has considered
17 plaintiff's gross attorney's fee of \$8,245.50 (25% of back benefits) and the EAJA award received
18 by plaintiff's attorney in the amount of \$6,138.94 (Dkt. 26). *Parish v. Comm'r. Soc. Sec.*
19 *Admin.*, 698 F.3d 1215, 1221 (9th Cir. 2012).

20 Based on plaintiff's unopposed motion (*see* Dkt. 27), it is hereby ORDERED that
21 attorney's fees in the amount of \$2,115.56, minus any applicable processing fee, be awarded to
22 plaintiff's attorney pursuant to 42 U.S.C. § 406(b). This amount should be released to plaintiff's
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1 attorney, Rosemary B. Schurman, at 8123 NE 115 Way, Kirkland, WA 98034 or via automatic
2 deposit.

3 Dated this 24th day of August, 2016.

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5 J. Richard Creatura
6 United States Magistrate Judge
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